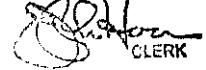


UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

**FILED**  
**FEB 06 2007**  
  
CLERK

\*\*\*\*\*

JUDITH D. McKULSKY, \* CIV 06-4141

\*

Plaintiff, \*

\*

vs. \*

\*

BEVERLY ENTERPRISES, INC., d/b/a \* ORDER OF DISMISSAL  
Beverly Healthcare Systems; and \*  
UNUMPROVIDENT CORPORATION, \*  
d/b/a UNUM Life Insurance Company \*  
of America, \*

\*

Defendants. \*

\*

\*

\*\*\*\*\*

The Court has been advised that the case has been settled. Accordingly,

IT IS ORDERED that this action is hereby dismissed without costs and with prejudice, each party to pay their own costs. Any party, on good cause shown on or before March 5, 2007, may move to vacate this Order of Dismissal and reopen this action if settlement is not consummated.

Dated this 6 day of February, 2007.

BY THE COURT:

  
Lawrence L. Piersol  
United States District Judge

ATTEST:

JOSEPH HAAS, CLERK

BY: Shelly Margulies  
DEPUTY